

SIXTIETH DAY - APRIL 15, 2004
LEGISLATIVE JOURNAL
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 15, 2004

PRAYER

The prayer was offered by Senator Jones.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 15, 2004, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris, Public Affairs Group
Agri-Business Association, Nebraska

Pappas, James E.
Access Elevator, Inc. (Withdrawn 04/13/2004)
Mid-City Jewelry & Loan Co. (Withdrawn 04/13/2004)

REPORTS

The following reports were received by the Legislature:

Health and Human Services System

Medicaid Managed Care Program, Annual Report

Investment Finance Authority

2002 Series A, B, C, D, E and F Community Development Loan Notes
 (City of Lincoln Program-2002) Quarterly Reports
 Drinking Water State Revolving Fund Revenue Bonds Series 2002 A
 Drinking Water State Revolving Fund Revenue Bonds Series 2003 A
 Single Family Housing Revenue Bonds Series 2004 AB and General
 Obligation Bonds Series 2004 G.O.-16

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 1545:

Environmental Quality Council
 Robert C. Hall

Voting in the affirmative, 36:

Aguilar	Cudaback	Jensen	Pedersen, Dw.	Synowiecki
Baker	Cunningham	Johnson	Pederson, D.	Tyson
Bourne	Engel	Kremer	Price	Vrtiska
Brashear	Erdman	Landis	Quandahl	Wehrbein
Bromm	Friend	Louden	Raikes	
Burling	Hartnett	McDonald	Redfield	
Byars	Hudkins	Mines	Stuhr	
Combs	Janssen	Mossey	Stuthman	

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Connealy	Kruse	Schimek	Thompson
Brown	Foley	Maxwell	Schrock	
Chambers	Jones	Preister	Smith	

The appointment was confirmed with 36 ayes, 0 nays, and 13 present and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointments found on page 1548:

Nebraska Health Care Council
 John Klosterman
 David Corbin
 Joel Gajardo
 Phil Harr
 Cordelia Okoye
 Board of Emergency Medical Services
 Michael Buscher

Child Abuse Prevention Fund Board
A. Jane Storey

Voting in the affirmative, 42:

Aguilar	Engel	Kremer	Pederson, D.	Stuhr
Baker	Erdman	Kruse	Preister	Stuthman
Bourne	Foley	Landis	Price	Synowiecki
Brashear	Friend	Louden	Quandahl	Tyson
Burling	Hudkins	Maxwell	Raikes	Vrtiska
Byars	Janssen	McDonald	Redfield	Wehrbein
Combs	Jensen	Mines	Schimek	
Cudaback	Johnson	Mossey	Schrock	
Cunningham	Jones	Pedersen, Dw.	Smith	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Brown	Connealy	Thompson
Bromm	Chambers	Hartnett	

The appointments were confirmed with 42 ayes, 0 nays, and 7 present and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 1591:

Game and Parks Commission
George E. Hall

Voting in the affirmative, 40:

Aguilar	Cunningham	Johnson	Mossey	Schrock
Baker	Engel	Jones	Pederson, D.	Smith
Bourne	Erdman	Kremer	Preister	Stuhr
Burling	Foley	Landis	Price	Stuthman
Byars	Friend	Louden	Quandahl	Synowiecki
Combs	Hudkins	Maxwell	Raikes	Tyson
Connealy	Janssen	McDonald	Redfield	Vrtiska
Cudaback	Jensen	Mines	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Bromm	Chambers	Kruse	Thompson
Brashear	Brown	Hartnett	Pedersen, Dw.	

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointments found on page 1598:

Nebraska Motor Vehicle Industry Licensing Board

Sid R. Dillon

P.J. Morgan

Douglas P. Rolfsmeier

Voting in the affirmative, 32:

Aguilar	Cudaback	Jones	Preister	Synowiecki
Baker	Engel	Kremer	Price	Tyson
Bourne	Erdman	Landis	Quandahl	Vrtiska
Brashear	Foley	McDonald	Raikes	Wehrbein
Byars	Friend	Mines	Redfield	
Combs	Hartnett	Mossey	Smith	
Connealy	Janssen	Pedersen, Dw.	Stuthman	

Voting in the negative, 0.

Present and not voting, 17:

Beutler	Chambers	Johnson	Pederson, D.	Thompson
Bromm	Cunningham	Kruse	Schimek	
Brown	Hudkins	Louden	Schrock	
Burling	Jensen	Maxwell	Stuhr	

The appointments were confirmed with 32 ayes, 0 nays, and 17 present and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment found on page 1598:

Coordinating Commission for Postsecondary Education

William J. Pile

Voting in the affirmative, 41:

Aguilar	Engel	Jones	Pedersen, Dw.	Stuhr
Bourne	Erdman	Kremer	Pederson, D.	Stuthman
Brashear	Foley	Kruse	Preister	Synowiecki
Brown	Friend	Landis	Quandahl	Tyson
Burling	Hartnett	Louden	Raikes	Wehrbein
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	
Cudaback	Jensen	Mines	Schrock	
Cunningham	Johnson	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 8:

Baker	Bromm	Chambers	Thompson
Beutler	Byars	Price	Vrtiska

The appointment was confirmed with 41 ayes, 0 nays, and 8 present and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 439 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 439. With Emergency.

A BILL FOR AN ACT relating to state property; to amend sections 81-188.01, 81-188.02, 81-1107, 81-1108.17, 81-1108.18, 81-1108.20, 81-1108.22, 81-1108.23, 81-1108.31, 81-1108.32, 81-1108.38, 81-1108.50 to 81-1108.53, and 81-2004, Reissue Revised Statutes of Nebraska, and section 81-1108.15, Revised Statutes Supplement, 2002; to adopt the Nebraska State Capitol Preservation and Restoration Act; to create the Office of the Nebraska Capitol Commission and the position of State Capitol Administrator; to provide, change, and transfer powers and duties; to create a fund; to change the membership of the Nebraska Capitol Commission; to transfer responsibility for security for certain state buildings and grounds to the Nebraska State Patrol; to harmonize provisions; to repeal the original sections; to outright repeal section 81-1108.21, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Combs	Johnson	Pedersen, Dw.	Stuhr
Baker	Connealy	Jones	Pederson, D.	Stuthman
Beutler	Cudaback	Kremer	Preister	Synowiecki
Bourne	Cunningham	Kruse	Price	Thompson
Brashear	Engel	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Brown	Hartnett	Maxwell	Redfield	Wehrbein
Burling	Hudkins	McDonald	Schimek	
Byars	Janssen	Mines	Schrock	
Chambers	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Erdman Friend

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 439A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 439, Ninety-eighth Legislature, Second Session, 2004; to reduce an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Combs	Johnson	Pedersen, Dw.	Stuhr
Baker	Connealy	Jones	Pederson, D.	Stuthman
Beutler	Cudaback	Kremer	Preister	Synowiecki
Bourne	Cunningham	Kruse	Price	Thompson
Brashear	Engel	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Brown	Hartnett	Maxwell	Redfield	Wehrbein
Burling	Hudkins	McDonald	Schimek	
Byars	Janssen	Mines	Schrock	
Chambers	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Erdman Friend

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 485 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 485.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 9-329.03, 53-116.01, 53-119.01, 53-123, 53-123.13, 53-134.04, 53-135, 53-138.03, 53-168, and 53-179, Reissue Revised Statutes of Nebraska, sections 53-101, 53-116.02, 53-117, 53-122, 53-123.04, 53-123.15, 53-124, 53-124.12, 53-124.14, 53-129, 53-131, 53-132, 53-133, 53-134, 53-134.03, and 53-1,115, Revised Statutes Supplement, 2002, and sections 53-103, 53-123.02, and 53-123.03, Revised Statutes Supplement, 2003; to change and eliminate provisions relating to licenses to sell alcoholic liquor; to change provisions relating to fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 53-123.08 and 53-124.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 485A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, Ninety-eighth Legislature, Second Session, 2004.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Combs	Jensen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 1:

Erdman

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 235.

(Signed) Ray Mossey, Chairperson

ENROLLED RESOLUTION**LEGISLATIVE RESOLUTION 235.** Introduced by Schrock, 38.

WHEREAS, Duane R. Wehrs and Judith A. Breager-Wehrs have conveyed to the Game and Parks Commission real estate located in Seward County, Nebraska, which will be maintained as a wildlife management area for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate, with the consent of the Governor, by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such real estate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from Duane R. Wehrs and Judith A. Breager-Wehrs, husband and wife, to the Game and Parks Commission of all of the real estate described as: The northeast quarter of section thirty-two, township eleven north, range one east of the sixth principal meridian, in Seward County, Nebraska, containing one hundred sixty acres, more or less. These premises are subject to a warranty easement deed to the Natural Resources Conservation Service of the United States Department of Agriculture as filed in Seward County, Nebraska.

2. That such approval is granted with the understanding that the real estate described shall be designated and utilized as a wildlife management area.

MESSAGE FROM THE GOVERNOR

April 15, 2004

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 139 and LB 139A without my signature and with my objections.

This legislation authorizes any person accused of wrongdoing as a result of a body fluid test to request that the Nebraska State Patrol perform a DNA typing test of his or her body fluid. The Nebraska State Patrol is required to receive the body fluid and conduct a DNA typing test to confirm the person's identity.

Pursuant to existing law, the Nebraska State Patrol criminalistics

laboratory is responsible for performing services necessary for the proper preservation, identification, and scientific analysis of evidence obtained in the investigation of crimes. LB 139 would inject the Nebraska State Patrol criminalistics laboratory into a new role as the civil authority over private and public drug testing disputes between employers and employees.

While the confirmation of a person's identity using DNA technology is a worthy endeavor, it is poor public policy to vest this civil employment process with the Nebraska's chief law enforcement agency.

For these reasons, I urge you to sustain my vetoes of LB 139 and LB 139A.

Sincerely,
(Signed) Mike Johanns
Governor

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 499. With Emergency.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend section 66-1850, Reissue Revised Statutes of Nebraska; to change provisions relating to high-volume ratepayers as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 559 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 559. With Emergency.

A BILL FOR AN ACT relating to organ and tissue donation; to amend sections 60-493, 60-494, and 60-2907, Revised Statutes Supplement, 2002, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2003; to provide for the Donor Registry of Nebraska; to authorize the Department of Motor Vehicles to transfer certain motor vehicle operator's license and state identification card information; to change provisions relating to donor notations on such licenses and cards; to create an advisory board; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'" "

Voting in the affirmative, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 559A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 559, Ninety-eighth Legislature, Second Session, 2004.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 613 to Select File

Senator Foley moved to return LB 613 to Select File for the following specific amendment:

FA1706

Strike the enacting clause.

Senator Foley withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 613.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 29-404.02 and 42-903, Reissue Revised Statutes of Nebraska; to provide for confidential communications in cases of domestic violence and sexual assault as prescribed; to create the offense of domestic assault; to change

provisions relating to arrest and sentencing procedures; to provide duties for law enforcement; to redefine terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Combs	Jensen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Thompson
Bromm	Erdman	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Foley

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 625.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-326 and 20-330, Reissue Revised Statutes of Nebraska; to change provisions relating to discriminatory housing practice complaint procedure and information; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Combs	Hudkins	Maxwell	Redfield
Baker	Connealy	Janssen	McDonald	Schrock
Beutler	Cudaback	Jensen	Mines	Smith
Bourne	Cunningham	Johnson	Mossey	Stuhr
Brashear	Engel	Jones	Pedersen, Dw.	Stuthman
Bromm	Erdman	Kremer	Pederson, D.	Thompson
Brown	Foley	Kruse	Price	Tyson
Burling	Friend	Landis	Quandahl	Vrtiska
Byars	Hartnett	Louden	Raikes	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Preister Schimek Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 868.

A BILL FOR AN ACT relating to education; to amend section 79-201, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Supplement, 2002, as amended by section 1, Legislative Bill 236, Ninety-eighth Legislature, Second Session, 2004; to change and eliminate provisions relating to compulsory education and truancy; to provide for immunity from civil liability for certain employees as prescribed; to change provisions relating to confidentiality of student records as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-202, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Brashear	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Landis	Raikes	Vrtiska
Brown	Friend	Maxwell	Redfield	Wehrbein
Burling	Hartnett	McDonald	Schimek	
Byars	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 916 with 40 ayes, 2 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 916.

A BILL FOR AN ACT relating to environmental protection; to amend sections 54-2414, 81-1502, and 81-1506, Reissue Revised Statutes of Nebraska, sections 54-744.01, 54-2402, 54-2404 to 54-2404.02, 54-2406, 54-2408, 54-2411, and 54-2413, Revised Statutes Supplement, 2002, and sections 13-2042, 46-241, 46-257, 54-2401, 54-2412, 54-2415, and 81-15,149, Revised Statutes Supplement, 2003; to change and eliminate provisions of the Livestock Waste Management Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-2405 and 54-2410, Reissue Revised Statutes of Nebraska, and sections 54-2403, 54-2407, and 54-2409, Revised Statutes Supplement, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Cudaback	Jones	Pedersen, Dw.	Stuhr
Baker	Engel	Kremer	Pederson, D.	Thompson
Beutler	Erdman	Kruse	Price	Tyson
Brashear	Foley	Landis	Quandahl	Vrtiska
Bromm	Hartnett	Louden	Raikes	Wehrbein
Brown	Hudkins	Maxwell	Redfield	
Burling	Janssen	McDonald	Schimek	
Byars	Jensen	Mines	Schrock	
Combs	Johnson	Mossey	Smith	

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Bourne	Cunningham	Preister	Synowiecki
Connealy	Friend	Stuthman	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 916A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 916, Ninety-eighth Legislature, Second Session, 2004.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Connealy	Johnson	Mossey	Stuhr
Baker	Cudaback	Jones	Pedersen, Dw.	Thompson
Beutler	Engel	Kremer	Pederson, D.	Tyson
Brashear	Erdman	Kruse	Price	Vrtiska
Bromm	Foley	Landis	Quandahl	Wehrbein
Brown	Hartnett	Louden	Raikes	
Burling	Hudkins	Maxwell	Redfield	
Byars	Janssen	McDonald	Schimek	
Combs	Jensen	Mines	Smith	

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Bourne	Friend	Schrock	Synowiecki
Cunningham	Preister	Stuthman	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 943. With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-318, 28-1463.05, and 29-110, Reissue Revised Statutes of Nebraska, sections 28-322, 28-322.01, and 29-4003, Revised Statutes Supplement, 2002, and section 28-101, Revised Statutes Supplement, 2003; to create the offense of strangulation; to prohibit the use of a computer as prescribed; to provide and change penalties; to redefine the term sexual contact for purposes of sexual assault of a child; to change the Sex Offender Registration Act; to change provisions relating to statutes of limitations and sexual abuse of an inmate or parolee; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1017 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1017. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, 77-2701.10, 77-2701.16, 77-2701.34, 77-2701.42, 77-2703, 77-2703.01, 77-2703.02, 77-2704.12, 77-2704.15, 77-2704.32, 77-2704.33, 77-2704.36, 77-2704.49, 77-2704.55, 77-2712.05, 77-2718.01, and 77-3101, Reissue Revised Statutes of Nebraska, and section 49-801.01, Revised Statutes Supplement, 2003; to provide, change, and eliminate definitions; to change provisions relating to references to the Internal Revenue Code, the sales and use taxes on building materials and construction services, sourcing provisions for sales tax on services, sales and use tax exemptions, and nonresident contractor registration; to provide requirements for compliance with the streamlined sales and use tax agreement; to provide a tax amnesty program; to create funds; to provide powers and duties; to appropriate funds; to harmonize provisions; to provide

operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Aguilar	Cudaback	Johnson	Mines	Schimek
Baker	Cunningham	Jones	Mossey	Schrock
Bourne	Foley	Kremer	Pedersen, Dw.	Stuhr
Brashear	Friend	Kruse	Preister	Synowiecki
Bromm	Hartnett	Landis	Price	Thompson
Byars	Hudkins	Louden	Quandahl	Tyson
Chambers	Janssen	Maxwell	Raikes	Vrtiska
Connealy	Jensen	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Combs	Smith
Burling	Erdman	Stuthman

Excused and not voting, 3:

Brown	Engel	Pederson, D.
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1034. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2101.03, Reissue Revised Statutes of Nebraska; to change the estate tax rate; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuthman
Baker	Cudaback	Jones	Preister	Synowiecki
Beutler	Cunningham	Kremer	Price	Thompson
Bourne	Erdman	Kruse	Quandahl	Tyson
Brashear	Foley	Landis	Raikes	Vrtiska
Bromm	Friend	Louden	Redfield	Wehrbein
Burling	Hartnett	Maxwell	Schimek	
Byars	Hudkins	McDonald	Schrock	
Chambers	Janssen	Mines	Smith	
Combs	Jensen	Mossey	Stuhr	

Voting in the negative, 0.

Excused and not voting, 3:

Brown Engel Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1065 with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1065. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-4,124, 66-4,134, 66-1344, 66-1344.01, 66-1345, 66-1345.01, 66-1519, and 77-4103, Reissue Revised Statutes of Nebraska, and sections 66-489 and 66-726, Reissue Revised Statutes of Nebraska, as amended by sections 12 and 51, respectively, Legislative Bill 983, Ninety-eighth Legislature, Second Session, 2004; to change provisions relating to motor fuel taxes, motor fuel tax credits, ethanol production incentives, excise taxes on corn and grain sorghum, and employment and investment incentives; to provide for fund transfers; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Aguilar	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Baker	Cunningham	Jones	Preister	Synowiecki
Beutler	Engel	Kremer	Price	Thompson
Bourne	Erdman	Kruse	Quandahl	Tyson
Brashear	Foley	Landis	Raikes	Vrtiska
Bromm	Friend	Louden	Redfield	Wehrbein
Burling	Hartnett	Maxwell	Schimek	
Byars	Hudkins	McDonald	Schrock	
Combs	Janssen	Mines	Smith	
Connealy	Jensen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Brown Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER BROMM PRESIDING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1084.

A BILL FOR AN ACT relating to medicaid; to amend sections 68-1037.01 to 68-1037.05, Reissue Revised Statutes of Nebraska; to change the False Medicaid Claims Act as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Johnson	Mossey	Schrock
Baker	Cunningham	Jones	Pedersen, Dw.	Smith
Beutler	Engel	Kremer	Pederson, D.	Stuhr
Brashear	Erdman	Kruse	Preister	Stuthman
Bromm	Foley	Landis	Price	Thompson
Burling	Friend	Louden	Quandahl	Tyson
Byars	Hudkins	Maxwell	Raikes	Vrtiska
Combs	Janssen	McDonald	Redfield	Wehrbein
Connealy	Jensen	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Bourne Brown Synowiecki

Excused and not voting, 2:

Chambers Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1084A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1084, Ninety-eighth Legislature, Second Session, 2004.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Conneally	Jensen	Mines	Schimek
Baker	Cudaback	Johnson	Mossey	Schrock
Beutler	Cunningham	Jones	Pedersen, Dw.	Smith
Brashear	Engel	Kremer	Pederson, D.	Stuhr
Bromm	Erdman	Kruse	Preister	Stuthman
Brown	Foley	Landis	Price	Thompson
Burling	Friend	Louden	Quandahl	Tyson
Byars	Hudkins	Maxwell	Raikes	Vrtiska
Combs	Janssen	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Bourne Synowiecki

Excused and not voting, 2:

Chambers Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1097 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1097. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1036, 24-714, 42-1102, 48-155.01, 79-916, 79-921, 79-942, 79-946, 79-947.01, 79-951, 79-966, 81-2026, 84-1325, 84-1501, and 84-1511.01, Reissue Revised Statutes of Nebraska, sections 23-2306, 23-2310.05, 24-701.01, 24-704.01, 24-710, 24-710.02, 24-710.07, 24-710.09, 24-713.01, 81-2027.03, 84-1307, and 84-1311.03, Revised Statutes Supplement, 2002, and sections 23-2301, 23-2320, 23-2321, 24-703, 24-707, 24-708, 84-1301, 84-1322, and 84-1323, Revised Statutes Supplement, 2003; to change provisions relating to retirement accounts, investment options, contributions, payment and repayment of benefits, annuities, disability and death benefits, medical examinations, cost-of-living adjustments, and retirement planning programs; to change funding provisions relating to the service annuity benefit; to change membership of the Public Employees Retirement Board; to create a fund and terminate a fund; to redefine terms; to provide duties; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Jensen	Mines	Schrock
Baker	Connealy	Johnson	Mossey	Smith
Beutler	Cudaback	Jones	Pedersen, Dw.	Stuhr
Bourne	Engel	Kremer	Pederson, D.	Stuthman
Brashear	Erdman	Kruse	Price	Synowiecki
Bromm	Foley	Landis	Quandahl	Thompson
Brown	Friend	Louden	Raikes	Tyson
Burling	Hudkins	Maxwell	Redfield	Vrtiska
Byars	Janssen	McDonald	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Cunningham Preister

Excused and not voting, 2:

Chambers Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1097A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1097, Ninety-eighth Legislature, Second Session, 2004; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuthman
Baker	Cudaback	Jones	Pederson, D.	Synowiecki
Beutler	Engel	Kremer	Price	Thompson
Bourne	Erdman	Kruse	Quandahl	Tyson
Brashear	Foley	Landis	Raikes	Vrtiska
Bromm	Friend	Louden	Redfield	Wehrbein
Brown	Hartnett	Maxwell	Schimek	
Burling	Hudkins	McDonald	Schrock	
Byars	Janssen	Mines	Smith	
Combs	Jensen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 2:

Cunningham Preister

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1207 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1207. With Emergency.

A BILL FOR AN ACT relating to judicial process; to amend sections 24-809.05, 25-1565, 25-21,232, 25-21,233, 42-349, 42-350, 42-352, 42-353, 42-355, 42-361, 42-364, 42-364.11, 42-365, 42-373, 42-376, 42-380, 42-501 to 42-503, 43-512.01, 43-512.03, 43-512.04, 43-512.15, 43-1411.01, 43-1412, 43-2917, and 44-3311, Reissue Revised Statutes of Nebraska, sections 24-301.02, 25-1144.01, 25-1315.02, 25-1329, 25-1916, 25-21,230, 25-21,234, 25-2301.02, 25-2740, 42-357, 42-364.13, 42-371, and 43-3318, Revised Statutes Supplement, 2002, and sections 25-21,223 and 29-2261, Revised Statutes Supplement, 2003; to change and eliminate provisions relating to district court judicial districts, posttrial motions, execution of judgments, appeal bonds, forcible entry and detainer actions, in forma pauperis proceedings, presentence reports and psychiatric examinations, domestic relations actions, filing of pleadings and pleading nomenclature for certain actions, and the Counsel for Discipline of the Nebraska Supreme Court; to provide an exemption from execution for earned income tax credit refunds; to provide immunity from liability relating to the handling of anhydrous ammonia; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 42-119, 42-120, and 42-354, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 439, 439A, 485, 485A, 499, 559, 559A, 613, 625, 868, 916, 916A, 943, 1017, 1034, 1065, 1084, 1084A, 1097, 1097A, 1207, LR 235, and LR 394.

RESOLUTIONS

LEGISLATIVE RESOLUTION 401. Read. Considered.

LR 401 was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 402. Read. Considered.

LR 402 was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 405. Read. Considered.

LR 405 was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 401, 402, and 405.

MOTION - Notify Governor

Senator Maxwell moved that a committee of six be appointed to notify the Governor that the Ninety-Eighth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Hartnett, Jones, Maxwell, Quandahl, Tyson, and Vrtiska to serve on said committee.

The committee returned and escorted Governor Mike Johanns to the rostrum where he delivered a message to the members.

The committee escorted Governor Johanns from the Chamber.

SENATOR CUDABACK PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 2004, at 11:25 a.m. were the following: LBs 439e, 439Ae, 485, 485A, 499e, 559e, 559A, 613, 625, 868, 916, 916A, 943e, 1017e, 1034e, 1065e, 1084, 1084A, 1097e, 1097Ae, and 1207e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMUNICATIONS

April 15, 2004

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item veto by Governor Johanns of LB 1089e, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 15, 2004

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB 139 and LB 139A for deposit in your office. Legislative rules require us to deliver the bills to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 1190. Placed on General File as amended.

Standing Committee amendment to LB 1190:

AM3671

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act shall be known and may be cited as
- 4 the Hometown Entrepreneur Scholarship Act.
- 5 Sec. 2. The purpose of the Hometown Entrepreneur
- 6 Scholarship Act is to encourage the creation of new small business
- 7 enterprises in cities of the second class and villages in Nebraska
- 8 by providing funds to microenterprise entrepreneurs through loans
- 9 from such cities and villages combined with matching funds from the
- 10 State of Nebraska.
- 11 Sec. 3. For purposes of the Hometown Entrepreneur
- 12 Scholarship Act:
- 13 (1) Entrepreneur means any person or group of persons who
- 14 intend to create a microenterprise qualifying to participate in an
- 15 economic development program developed by a city of the second
- 16 class or village;
- 17 (2) Loan program means economic development programs as
- 18 defined and authorized pursuant to the Local Option Municipal
- 19 Economic Development Act and which programs shall be developed,
- 20 approved, adopted, and administered as economic development
- 21 programs subject to the Local Option Municipal Economic Development
- 22 Act; and
- 23 (3) Microenterprise means any business entity with no
- 24 more than five employees including, but not limited to, new startup
- 1 businesses, home-based businesses, and sole proprietorships.
- 2 Sec. 4. Cities of the second class and villages may
- 3 adopt economic development programs providing loan assistance to
- 4 microenterprises located or locating within such cities or villages
- 5 or their extraterritorial zoning jurisdictions. Such loan
- 6 assistance shall take the form of low-interest or no-interest loans
- 7 to microenterprises which create one or more new jobs during the
- 8 five-year term of such loans in return for the granting of such
- 9 loans.
- 10 (2) The applying microenterprise shall develop and file
- 11 with the city of the second class or village an application for
- 12 such loan including a business plan of the microenterprise. The
- 13 application and business plan shall be in conformity with criteria

14 developed by the Department of Economic Development.

15 (3) Loans shall be in an amount determined by the city of
16 the second class or village creating the economic development
17 program and shall be granted to the entrepreneur following approval
18 of the application and business plan by the governing body of the
19 city or village.

20 (4) Following such approval, the entrepreneur may apply
21 to receive matching funds of not more than three thousand dollars
22 per year for up to five years from the State of Nebraska. Such
23 application shall be made by the granting city or village on behalf
24 of the entrepreneur and matching funds shall be paid to and
25 administered by the city or village to the entrepreneur. Funds
26 received from the State of Nebraska pursuant to the Hometown
27 Entrepreneur Scholarship Act shall form no part of the economic
1 development program of the city or village and shall not be
2 commingled with any funds of the city or village devoted to such
3 economic development program.

4 (5) Loans approved for entrepreneurs under economic
5 development programs authorized by the act shall be repaid within a
6 period of not more than five years following the date of final
7 disbursement of all approved loan funds to the entrepreneur.

8 (6) A microenterprise in existence prior to the approval
9 of the application and business plan as provided in this section
10 shall not qualify for a loan as set forth in the act.

11 Sec. 5. The Hometown Entrepreneur Scholarship Fund is
12 created. The fund shall be used to provide the funds authorized by
13 subsection (4) of section 4 of this act to entrepreneurs who have
14 obtained loans from cities or villages conducting economic
15 development programs authorized by the act. The Department of
16 Economic Development shall administer the fund. Any money in the
17 fund available for investment shall be invested by the state
18 investment officer pursuant to the Nebraska Capital Expansion Act
19 and the Nebraska State Funds Investment Act.

20 Sec. 6. The Department of Economic Development shall
21 adopt and promulgate rules and regulations to carry out the
22 Hometown Entrepreneur Scholarship Act."

LEGISLATIVE BILL 1233. Placed on General File as amended.

Standing Committee amendment to LB 1233:

AM3672

- 1 1. On page 10, line 23, after "by" insert "employees of
2 the city or by".

(Signed) D. Paul Hartnett, Chairperson

MOTION - Disposition of Bills

Senator Tyson moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

MOTION - Committee Records

Senator Quandahl moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Printing of Journal, Session Laws, and Indexes

Senator Jones moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell.

The motion prevailed.

MOTION - Delivery of Journal and Session Laws

Senator Vrtiska moved that the Clerk of the Legislature be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Sixtieth Day Journal

Senator Hartnett moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were 80 fourth-grade students and teachers from Ackerman and Highland, Omaha; 35 fourth-grade students and teachers from Blue Hill; Senator Vrtiska's brother, Lloyd Vrtiska, from Table Rock; 44 fourth-grade students and teachers from St. Libory School, Hall County District 1-R, and Chapman School; and 43 third- through fifth-grade students and teachers from St. John's School, Weston.

MESSAGE FROM THE GOVERNOR

April 15, 2004

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 962e, 962Ae, 998 and 998A were received in my office on April 13, 2004.

Engrossed Legislative Bills 479e, 644, 644A, 692, 826, 826A, 999e 1002, 1004, 1005e, 1005Ae, 1045e, 1099, 1107, 1118, 1149, 1162e, 1231, and 1231A were received in my office on April 14, 2004.

Engrossed Legislative Bills 439e, 439Ae, 485, 485A, 499e, 559e, 559A, 613, 625, 868, 916, 916A, 943e, 1017e, 1034e 1065e, 1084, 1084A, 1097e, 1097Ae, and 1207e were received in my office on April 15 2004.

All of these bills were signed and delivered to the Secretary of State on April 15, 2004.

Sincerely,
(Signed) Mike Johanns
Governor

MOTION - Adjourn Sine Die

Speaker Bromm moved that the Ninety-Eighth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 1:08 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature